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FISCAL IMPACT REPORT

SPONSOR Duran DATE TYPED 2/14/05 HB _____

SHORT TITLE Eliminate Physician Exam Prior To Marriage SB 495

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

SB495 amends Section 40-1-11 NMSA 1978 eliminating the requirement for a physician examination and certificate prior to marriage.

Significant Issues

Regulations by the DOH requiring medical examinations and tests prior to obtaining a marriage license were changed in 1995. There is no such requirement to date.

PERFORMANCE IMPLICATIONS

The current law will is outdated. The DOH has no regulation requiring medical tests or examinations prior to marriage.

FISCAL IMPLICATIONS

DOH reports a review of marriages conducted for 1993 and 1994 (22,000) matched with results from required syphilis tests identified very few diagnosed cases. There were insufficient numbers of positive results to justify the costs incurred for syphilis testing.

ADMINISTRATIVE IMPLICATIONS

There is no data suggesting that physical examinations prior to marriage have any public benefit. The elimination of the physical exam requirement reasonably follows the elimination of the syphilis-testing requirement.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

Requiring proof of a physician's examination at time of marriage license request is not current practice at county clerk offices around the state. The DOH eliminated the requirement for syphilis testing prior to obtaining a marriage license in 1994 and was one of the last states in the country to do so.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

State law will continue to require a physical examination before marriage.

AHO/yr